



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Richfield Field Office

150 West 900 North

Richfield, UT 84701

<http://www.blm.gov/ut/st/en.html>



cc: Lynn
Peter.

IN REPLY REFER TO:

3809

LLUTC02000

UTU-83134

RECEIVED

AUG 05 2013

DIV. OF OIL, GAS & MINING

July 30, 2013

CERTIFIED MAIL – 7012 3460 0612 5310

DECISION

Provis Enterprises, Inc.

Attn: Richard Proctor

P.O. Box 708232

Sandy, UT 84070

43 CFR 3809, Surface Management

Notice Acceptance and Financial

Financial Guarantee Amount

NOTICE ACCEPTANCE AND DETERMINATION OF REQUIRED FINANCIAL GUARANTEE AMOUNT

The Provis Enterprises, Inc. (PE) Notice to conduct exploration trenching south of Marysvale, Utah was received in this office on June 10, 2013. The Notice has been assigned Bureau of Land Management (BLM) case file number UTU-83134. Please refer to this number in any future communication concerning this project.

The BLM has reviewed the Notice and determined it is complete, containing all the information required by the surface management regulations at 43 CFR 3809.301. The BLM's review of your proposed operations, determination that your Notice is complete, finding that the activity will not cause unnecessary or undue degradation, and decision concerning the amount of the required financial guarantee does not relieve you, the operator, of the responsibility to comply with all applicable Federal, state, and local laws, regulations, and permit requirements. You are responsible for preventing any unnecessary or undue degradation and for reclaiming all lands disturbed by your operations. 43 CFR 3809.1(a).

The BLM will use the information you collect under your exploration Notice to determine whether development of your claim is reasonable and prudent. A Plan of Operations is required for all mining disturbances greater than exploration. Should you desire to perform work beyond the scope of exploration authorized under this Notice, the BLM will require access to the data you gather.

The Mine Safety and Health Administration (MSHA) requires that a warning sign be posted at your operation in order to inform the public of the hazard posed by your exploration activity on BLM-administered lands. The BLM concurs with the MSHA requirement to post a warning sign under 43 CFR 3715.

The BLM has reviewed the proposed operation and in order to prevent unnecessary or undue degradation as defined by 43 CFR 3809.5 the exploration activity must be conducted as described in the Notice and the following conditions of acceptance:

A. General

1. Deviations from the exploration activities or reclamation plans submitted and approved for this Notice are **not authorized** without prior approval from the BLM Authorized Officer.
2. The BLM Authorized Officer or their delegate may, at their discretion and without advanced Notice, examine the site and records of the operator for compliance with the provisions of this accepted Notice.
3. Burning is not authorized. Welding, cutting, grinding or any activity posing a significant ignition risk is prohibited during Red Flag Fire Days. The operator is fully responsible for all damage and expenses incurred as the result of fire caused by Provis Enterprises Inc. The operator will immediately notify Richfield Interagency Fire Dispatch at (435) 896-8404 in the event of a wildfire or for information regarding the daily fire threat.
4. Your approval is for use of existing roads. Should improvement of existing roads become necessary, all BLM access roads used during the operation shall be returned to pre-operations dimensions.

B. Environmental

1. The operator **shall not** injure, alter, destroy or collect any site, structure, object of potential historical, archaeological, paleontological or cultural importance.
2. All related ground-disturbing activities shall cease and the BLM Authorized Officer shall be immediately notified in the event that any articles of potential antiquity or cultural or scientific interest, including human remains, historic and prehistoric ruins, fossils, and artifacts are discovered onsite.
3. BLM-approved mitigations shall be implemented prior to resuming operations which could be destructive to the discovery.
4. The operator is responsible for preventing spills when fueling and servicing equipment. In the event of an accidental spill the operator shall immediately excavate all contaminated material and haul it to an authorized disposal site. The operator shall report all spills in excess of 10 gallons to the BLM Richfield Field Office at (435) 896-1563 within 24 hours of the spill.

C. Reclamation

1. The disturbance permitted under this Notice shall be rehabilitated to the satisfaction of the BLM Authorized Officer **including the successful reestablishment of approved vegetation**, prior to release of the \$9,400.00 bond posted. The operator shall reseed as necessary to achieve a minimum of 70% reestablishment of desired vegetation.

D. Site-Specific

1. A rock dam adjacent to your claim has been determined by BLM to be potentially eligible for listing under the National Historic Preservation Act (NHPA). A buffer zone around the potentially eligible site has been flagged and recorded by a BLM archaeologist. No disturbance is permitted within this buffer zone under this authorization. Activities that constitute disturbance include but may not be limited to traversing with vehicles, storage or placement of any material or structure, and the causation of erosion from within the buffer zone. Provis Enterprises Inc. is responsible for any damage to the rock dam resulting from their activities.
2. The exploration material limit of this authorization shall not exceed one thousand (1,000) tons.
3. Operator-gathered data regarding geologic characteristics of the target ore body, including recovery rate data will be provided to the BLM prior to further permit processing.
4. BLM concurs with the posting of one sign in accordance with 43 CFR 3715 regulations. This is an MSHA safety requirement with the following words: "Warning Hazardous Area." No fencing or gating is authorized.
5. Provis Enterprises Inc. will notify BLM Geologist Joseph Manning at (435) 896-1563 or jcmanning@blm.gov 48 hours prior to commencing initial operations.
6. The following certified-live, weed-free seed mix shall be broadcast seeded at the prescribed rate to all disturbed areas during the first fall immediately following re-contouring. All reseeded surfaces shall be roughened after reseeding to facilitate mixing of topsoil and seed mix. Reseeding may be necessary until successful reestablishment of desired vegetation.

<u>Plant Species</u>	<u>Pounds/Acre</u>
1.) <u>Luna Pubescent Wheatgrass</u>	<u>1.0</u>
2.) <u>Bozoiisky Russian Wildrye</u>	<u>2.0</u>
3.) <u>Trailhead Great Basin Wildrye</u>	<u>1.5</u>
4.) <u>Sand Dropseed</u>	<u>0.5</u>
5.) <u>Covar Sheep Fescue</u>	<u>1.5</u>
6.) <u>Rocky Mountain Beeplant</u>	<u>0.5</u>
7.) <u>Gooseberry Leaf Globemallow</u>	<u>0.5</u>
8.) <u>Yellow Sweetclover</u>	<u>0.5</u>
9.) <u>Richfield Firecracker Penstemon (P. eatonii)</u>	<u>0.5</u>
10.) <u>Showy Blanketflower (Gaillardia aristida)</u>	<u>0.5</u>
11.) <u>Cedar Palmer Penstemon (P. palmeri)</u>	<u>0.5</u>

12.) Appar Lewis Flax	1.0
13.) Common Sunflower	2.0
14.) Wyoming Big Sagebrush	0.5
15.) Forage Kochia	1.0

TOTAL 14.0 lbs/acre

Financial Guarantee

This office has reviewed your reclamation cost estimate for this project and determined that the amount of \$9,400.00 is sufficient to meet all anticipated reclamation requirements. The amount of the reclamation cost estimate is based on the operator complying with all applicable operating and reclamation requirements as outlined in the Notice, the following enclosures, and the regulations at 43 CFR 3809.420.

Line items in the approved reclamation cost estimate are not to be considered as the limits of the reclamation expenditures should forfeiture of the financial guarantee be necessary. The line items listed are solely for the purpose of arriving at a total amount for the financial guarantee (see enclosure 2). This amount may be spent as the BLM deems necessary to implement the approved reclamation plan. The financial guarantee amount does not represent reclamation liability limits or constraints should the actual cost of reclamation exceed this amount.

The financial guarantee in the amount of \$9,400.00 may be submitted to Bureau of Land Management (BLM) 440 W 200 S Ste 500 Salt Lake City, UT 84101 or Utah Division of Oil Gas and Mining (UDOGM) 1594 West North Temple Salt Lake City, Utah 84116. Regardless of which agency holds the bond, the bond must be adjudicated by the Utah State Office Bureau of Land Management (BLM) 440 W 200 S Ste 500 Salt Lake City, UT 84101. You must receive written notification from BLM and UDOGM accepting and obligating your financial guarantee before you begin any surface-disturbing operations.

The types of instruments that are acceptable to the BLM for financial guarantees are found at 43 CFR 3809.555. Please contact Opie Abeyta (801-539-4123) for forms and further information regarding acceptable financial guarantees.

This decision does not constitute certification of ownership to any entity named in the Notice, recognition of the validity of any associated mining claims, or recognition of the economic feasibility of the proposed operations.

Term of Notice - Your Notice will remain in effect for 2 years from the date of this decision, unless you notify this office beforehand that operations have ceased and reclamation is complete. If you wish to conduct operations for another 2 years after the expiration date of your Notice, you must notify this office in writing on or before the expiration date as required by 43 CFR 3809.333. You will also have to submit an updated reclamation cost estimate at that time.

Appeal of the Decision

If you are adversely affected by this decision, you may request that the BLM Utah State Director review this decision. If you request a State Director Review, the request must be received in the BLM Utah State Office at Utah State Office Bureau of Land Management (BLM) 440 W 200 S Suite 500 Salt Lake City, UT 84101, no later than 30 calendar days after you receive or have been notified of this decision. The request for State Director Review must be filed in accordance with the provisions in 43 CFR 3809.805. This decision will remain in effect while the State Director Review is pending, unless a stay is granted by the State Director. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If the State Director does not make a decision on your request for review of this decision within 21 days of receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the BLM Utah State Office to determine when the BLM received the request for State Director Review. You have 30 days from the end of the 21-day period in which to file your Notice of Appeal with this office 150 West 900 North Richfield, UT 84701 which we will forward to IBLA.

If you wish to bypass a State Director Review, this decision may be appealed directly to the IBLA in accordance with the regulations at 43 CFR 3809.801(a)(1). Your Notice of Appeal must be filed in this office at 150 West 900 North Richfield, UT 84701 within 30 days from receipt of this decision. As the appellant you have the burden of showing that the decision appealed from is in error. Enclosed is BLM Form 1842-1 that contains information on taking appeals to the IBLA.

This decision will remain in effect while the IBLA reviews the case, unless a stay is granted by the IBLA. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Appeal of a Decision under 43 CFR 3715

If you are adversely affected by this decision, you may appeal to the IBLA under 43 CFR part 4. If you appeal this decision, you must file a Notice of Appeal to this office 150 West 900 North Richfield, UT 84701 within 30 days from receipt of this decision. As the appellant you have the burden of showing that the decision appealed from is in error. Enclosed is BLM Form 1842-1 that contains information on taking appeals to the IBLA.

This decision will remain in effect while the IBLA reviews the case, unless a stay is granted by the IBLA. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Request for a Stay

If you wish to file a petition pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by Interior Board of Land Appeals (IBLA), the petition for a stay must accompany your Notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of this Notice of appeal and petition for a stay must also be submitted to each party named in the decision and to the IBLA and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

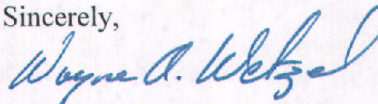
Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal must show sufficient justification based on the following standards:

1. The relative harm to parties if the stay is granted or denied.
2. The likelihood of the appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether the public interest favors granting the stay.

If you have any questions, please contact me at 435-896-1500 or contact Geologist Joseph Manning at 435-896-1563 or jcmanning@blm.gov.

Sincerely,



Wayne Wetzel, Field Manager

2 Enclosures:

- 1- Reclamation cost estimate worksheet
- 2- Form 1842-1, Information on Taking Appeals to the Interior Board of Land Appeals

bcc: Terry Snyder (UT 922300) BLM Utah State Office
Peter Brinton, Utah Department of Natural Resources, Division of Oil Gas and Mining 1534 West
North Temple Salt Lake City, UT 84116

**Reclamation Cost Model
For Notices**

Linear Feet of Existing Road, Regraded	Linear Feet	Cost/Linear 8' Wide Road					Total	
		Mobilization Cost	Labor Cost	Manpower	Equipment	Materials		
		\$500.00	\$500.00					Road Reclamation
	1750	Recontouring Cost	\$700.00	\$0.40	\$0.60	\$0.00	\$1.00	\$500.00
								\$1,750.00
								\$0.00
								\$0.00
								\$2,250.00
Linear Feet of Road								
1750								
Acres of Non-Road Disturbance including, Pads, Sumps & Trenches	Acres		Labor Cost	Cost/Acre			Total	
				Manpower	Equipment	Materials		
	1	Recontouring Cost	\$650.00	\$650.00	\$1,690.00	\$260.00	\$2,600.00	Pad, Sump & Trench Reclamation
		Revegetation Cost	\$87.50	\$87.50	\$162.50	\$350.00	\$600.00	\$2,600.00
								\$600.00
								\$3,200.00
Number of Drill Holes Open Feet of Open Holes - Wet Feet of Open Holes - Dry	#/Feet		Mobilization Cost	Labor Cost	Cost/Foot		Total	
					Manpower	Equipment		
	0		\$1,350.00	\$0.00				Drill Hole Plugging
	0	Plugging Cost	\$0.00	\$0.00				\$0.00
	0	Plugging Cost	\$0.00	\$0.00	\$4.80	\$4.80	\$2.40	\$0.00
					\$1.88	\$1.88	\$0.94	\$0.00
								\$0.00
Bond Amount								
	\$9,391		\$1,937.50					Total Reclamation Cost
								\$5,450.00
								Total
								Administration Cost
								\$2,100.06
								Total R&A Cost
								\$7,550.06
								Grand Total
								Including NBC Overhead
								\$9,390.77

Road Est. taken by JCM from Gary Carlisle
Richfield, UT
(435) 979-0020
taken on 2013.07.23

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

RECEIVED

AUG 05 2013

DIV. OF OIL, GAS & MINING

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF
APPEAL.....

A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the *Notice of Appeal* in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a *Notice of Appeal* in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).

2. WHERE TO FILE

NOTICE OF APPEAL.....

Field Office Manager, Bureau of Land Management
Richfield Field Office, Color Country District
150 East 900 North
Richfield, Utah 84701

WITH COPY TO
SOLICITOR...

Office of the Solicitor, Intermountain Regional Office
Federal Building, Suite 6201
125 South State Street
Salt Lake City, UT 84728-1180

3. STATEMENT OF REASONS

Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary (43 CFR 4.412 and 4.413).

WITH COPY TO
SOLICITOR.....

See Address Above

4. ADVERSE PARTIES.....

Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).

5. PROOF OF SERVICE.....

Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).

6. REQUEST FOR STAY.....

Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your *Notice of Appeal* (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the *Notice of Appeal* and Petition for a Stay **must** also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay. Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that **all** communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

43 CFR SUBPART 1821--GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska
Arizona State Office ----- Arizona
California State Office ----- California
Colorado State Office ----- Colorado
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri
and, all States east of the Mississippi River
Idaho State Office ----- Idaho
Montana State Office ----- Montana, North Dakota and South Dakota
Nevada State Office ----- Nevada
New Mexico State Office ---- New Mexico, Kansas, Oklahoma and Texas
Oregon State Office ----- Oregon and Washington
Utah State Office ----- Utah
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

(Form 1842-1, September 2006)